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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,252	03/01/2000	Patrick G Sobalvarro	3654-2	3759

826 7590 10/10/2003

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/10/2003

#17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,252

Applicant(s)

SOBALVARRO ET AL. *BN*

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application. -
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment C, paper # 16, is acknowledged and entered on 07/21/2003. Claims 12,13,17-19 and 47 have been amended. Currently claims 1-74 are pending for examination.

Response to Arguments

2. Applicant's arguments concerning claims 8, 18, 17-19 and 47 and drawings (see pages 15-16) filed on 07/21/2003 have been fully considered and are persuasive. Accordingly, claim objections against claims 17-19 and drawings and rejection of claims 8, 18, and 47 under first paragraph of 35 U.S.C. 112 are withdrawn.

Applicant's arguments with respect to claims 1-7, 9-17, and 19-74 have been considered but are not persuasive.

Regarding claims 1 and 11, the Applicant has argued (see pages 18 -20) that none of the cited references individually or combined teaches or suggests defining an affinity space coordinate for each of a plurality of products, creating a package template that includes an affinity space description, and comparing the affinity space for each item with the affinity space description associated with the package template. The examiner does not agree. The affinity space coordinates and description, as best understood from the disclosure (see pages 27-30) relate to attributes of the desired items such as hotels attributes: expensive, cheap, proximity to airport or destination site, etc., restaurants: expensive, cheap, proximity to airport or destination site, type of food, i.e., Italian, Chinese, etc., type of environment , air reservation : preference for

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particular air lines, range of air fare, time of departure and arrival, destination airport, etc. Jones discloses defining such affinity space coordinates (see at least FIG. 4A & 4B, shows affinity space coordinates in terms of amenities, vies, description, proximity to destination, FIG. 5A & 5B " Display Rental car Recommendations" suggests affinity attributes for rental cars, FIG. 6A & 6B , "...Send display data of restaurants: description, location of hotel, Airport and destination, Menu, Amenities, ratings, Ambiance, etc.) for items available for sale and comparing them with the affinity space description provided by the users in their preferences. The requests/formats/package prepared by the system from the inputs of the user correspond to creating a template with the affinity space description which are compared and matched with the affinity space coordinates to select the elements of the package (see FIGS. 3-8, and paragraphs 0045-0058).

In addition, Travis discloses creating a package template including at least one mandatory element schema (see at least paragraph 0016, "...he is presented with a set of products that will make up the experience, which might include the adventure travel package itself [in the example shown, from the adventure travel company Off the beaten Path], air tickets to the point of departure.....prepare him for the trip..... Each of these items may be customizable via a planning wizard, but by default, the user is presented with a package of products that appear to be appropriate for his archetype.....". Note: generation and presentation of the adventure travel package corresponds to creating a package template including air tickets as a mandatory element schema. Further presenting the package to match his or her archetype involves matching the attributes/affinity space descriptions with the preferences of the user. This disclosure of Travis also covers the teachings of claims 21, 28, 29, and 32 (see response, " page 20), "...dynamically generating at least one travel package based on at least travel package template and travel component description ".

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The applicant further remarks that none of the cited references, individually or in combination, disclose the teachings of claims 58, 72, 73, and 74, "determining, for each mandatory schema, items that fit to develop candidate packages, the data structure further includes required attributes and matching criteria, a matching engine that matches components with package models to develop complete packages and matching components with package models" (see response pages 20-21). The examiner does not agree. Jones discloses data structure including required criteria and matching criteria and a matching engine that determines, for each mandatory schema, such as airline tickets [see FIG.8A-8D], Hotels [FIG.4A-4B], Rental cars [FIG.5A-5C], Restaurants [FIG.6A-6B], and matches items that fit to develop candidate packages by using constraint relaxation subsystem. Also see paragraph, 0030, ".....A user need only input a goal, including a destination.....the travel system presents the user with alternatives that allow the user to meet these criteria. Other convenient information is presented to the user that is specifically tailored to the users' travel plans, including hotels, restaurants....". Note: The received and entered users' travel plans and inputs correspond to the data structure of the templates generated and these templates include attributes and affinity space information in the form of users' preferences as suggested in FIGs. 4-8 above).

The applicant further remarks about claims 4 and 14 that none of the cited references, taken individually or in combination, teach or suggest eliciting a consumer constraint including customer mood for selecting or rejecting a package template (see response pages 21-22). The examiner does not agree. First Jones explicitly discloses using a customer mood (see FIG.6B, "...Ambiance...Bright, lights, festive, romantic..") to select or reject a restaurant. In addition, Lastminute.com by disclosing that they encourage users to select packages at discounted prices based upon customer's mood constraints such as romantic and adventurous (see page

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26, " "what are we trying to do ?....wants to encourage spontaneous, romantic and sometimes adventurous behavior) implies that users are given the choice to select or reject such travel packages depending upon one's inclination or mood.

With regards to claims 8 and 18, about the use of hash table, the applicant has admitted it as a well known prior art to provide rapid access to data items stored in a database.

With regards to the applicant's comments that it is not well known that entities like Zagat, AAA, and JD Powers compile affinity space coordinates/attributes for items on sale, the examiner respectfully does not agree in absence of a reasonable evidence for his claim or specific reasoning as why the noticed fact is not considered to be common knowledge or well-known in the art. It is well –known that JD Powers publish every year a report/score card on the performance of cars for various attributes and those performance ratings correspond to the affinity space coordinates/description about cars. So does AAA point out the different star ratings of Hotels in their information books and the star ratings of hotel correspond to the affinity space coordinates/description about hotels. See press release, " Zagat San Francisco/Bay Area Survey Publishes Millenium Edition"; San Francisco; Oct 8, 1999, extracted from <http://www.zagat.com> on 12/02/2002 which discloses " Zagat guides and other products, and become eligible to rate and review restaurants anywhere in the world". Ratings of restaurants published in Zagat guides correspond to storing affinity space description about restaurants.

In view of the above the earlier rejection of claims 1-74 is maintained. This is a final rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis et al. (US 2002/0010668 A1), hereinafter, referred to as, Travis and in view of Jones et al. (US 2002/0156661), hereinafter, referred to as Jones.

With regards to claims 1, 2, 7, 9 and 10, Travis teaches a method of offering Items for sale in a Group comprising creating a package template including at least one mandatory element schema having an associated affinity space description, storing a description of each item, presenting for sale a package template, transmitting messages confirming consumer's order for the travel package over a digital communications network (see at least, page 1, paragraph 0002, paragraph 011, "*The present invention provides an online system and method for marketing group of products.....shop for elements of an outdoor vacation experience*", and page 2, paragraph 0018, "*....Development of a targeted web offering.....The most basic components of the experience may be readily identifiable [e.g. a tour package and an airline ticket for a vacation experience.....but other components.....Cluster analysis may also be used to refine the selection of components.....place orders for experiences*", FIGS 1 and 2. Note: In Travis Tour packages correspond to creating package templates, airline ticket relates to the mandatory element schema and cluster analysis refers to affinity space description in the application. Cluster analysis helps to detect and identify items in proximity). Travis further teaches dynamically generating an html page containing a description of the package and transmitting the html page over a decentralized computer network to at least one consumer (see at least page 2, paragraphs 0015-0017, FIGS. 1 and 2).

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Travis teaches using cluster analysis to refine the selection of components of the tour package (page 2, paragraph 0018) which will involve considering the affinity of the attributes of the components in their selection. Travis does not disclose defining an affinity space coordinate for each of the plural items available for sale and comparing them with the affinity space description associated with the package template to check if the package template includes at least one item with a matching affinity space description. However, Jones, in the same filed of endeavor i.e. selling travel packages on Internet from web sites, discloses defining the affinity space coordinates of the plural items for sale and comparing them with the affinity space description associated with the package template to check if the package template includes at least one item with a matching affinity space description (see at least page 2, paragraph 0034, *"..Travel database 140 represents a plurality of databases....flight information, hotel information....activity information...."*, paragraph 0036, *"....restaurant subsystem [ARS] 122 that identifies restaurants and activities .."*, paragraph 0037, *"... a travel database 140 that relates to travel flight times and fares for each of the different airlines"*, page 3, paragraph 0041, *"... Then ATS 116 identifies the destination airport closest to the destination...."*, paragraph 0047, and paragraphs 0053- 0055,). In view of Jones, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Travis to define an affinity space coordinate for each of the plural items available for sale and comparing them with the affinity space description associated with the package template to check if the package template includes at least one item with a matching affinity space description. Doing so would enable the consumer to select items as per his requirement, as suggested in Jones, " page 3, paragraph 0047, *".....The user may accept one of the recommendations or reject all the recommendations.....CR126 re-executes searches using relaxed constraints and is used here to look for a larger range of hotels [step 440]...."*, and paragraph 0053, *".....The user makes*

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various selections on the screen and the activity and restaurant subsystem performs various processing in response to these selections",).

With regards to claims 3, and 6 Travis/Jones further discloses eliciting at least one constraint from a consumer which could be timing (see at least Jones, page 2, paragraph 0039, page 4, paragraph 0053).

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis/Jones and further in view of Lastminute.com (web site materials, received with IDS, paper number 4, consisting 32 web pages, extracted from Internet on 02/17/2000).

With regards to claims 4 and 5, Travis/Jones does not disclose that elicited constraint includes customer's mood or number of people traveling. However, in the same field of endeavor, Lastminute.com teaches both the constraints including the customer's mood and the number of people traveling (at least see page 4 under the heading, "*What are we trying to do ?.....wants to encourage spontaneous, romantic and sometimes adventurous behavior...*" and page 26, under Restaurants,... Table booking....No. of people....."). In view of Lastminute.com, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Travis/Jones to include the constraints of the customer's mood and number of persons traveling. Doing so helps the consumers to live their dreams, as suggested by Lastminute.com (at least see page 4 under the heading, "*What are we trying to do ?.....wants to encourage spontaneous, romantic and sometimes adventurous behavior by offering users to live their dreams.....*"). The knowledge of the number of persons traveling helps to book the desired number of seats in restaurants/airplane or accommodation in hotels.

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Travis/Jones in view of prior admitted art by the applicant.

With regards to claim 8, Travis/Jones teaches a method of offering items for sale in claim 1, as disclosed and analyzed above. Travis/Jones does not teach looking up a hash table of the items while comparing affinity space coordinates of the plural items with the affinity space description associated with the package template. However, the applicant teaches that the benefits and concept of using hash table is a prior art well-known to a person of an ordinary skill in the art at the time of the applicant's invention (see response, pages 015-16). In view of the admitted prior art and knowledge generally available it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Travis/Jones to use hash tables to to rapidly access data about items from a database.

7. Claims 11-22, 24-43, 44-49, 50-51, 53-54, 58-66, 70, 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis/Jones/Lastminute.com.

With regards to system claims 11-20 and 73, and method claims 21-22, 24-29, 32-45, 53-54, 58-63, 74, their limitations correspond to the limitations covered in method claims 1-10 and are therefore, analyzed and rejected similarly. Note: Travel arrangement and its components in claims 21-22, 24-29 relate to the items offered for sale in a group.

With regards to claims 30-31, Lastminute.com discloses components comprising last minute travel component (see at least page 2, "*.....Search.....What can I do today....Going out....Stay in hotel...Fly away*", page 6, "*.....How last minute is lastminute.com.....who sell package tours at any time of the year....*").

With regards to claims 43, 48-49, and 72, Travis/Jones/Lastminute.com discloses that the package template includes a mandatory airline ticket and hotel and at least one optional

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element and returning possible combinations of components stored in the data storage arrangement for human selection (see at least Jones, page 2, paragraph 0030, 0031, 0034, page 3, paragraph 0040. Note: "activity and restaurant information " in Jones relate to one optional element in the application). Note: all other limitations of claim 72 are covered in claims 1-10 as analyzed and rejected above.

With regards to claims 46-47, and 50-51, Travis/Jones/Lastminute.com discloses that package description includes at least one of text, images and animations and at least one component schemata(see at least Lastminute.com. The web pages, which are presented to the consumers, include text and images and descriptions of packages.. Lastminute.com does not show animation but the presenting data in animation form is well known as per the information generally available at the time of the invention) and incentive packages including at least one of a default margin, a coupon and a rebate (see at least Lastminute.com, page 8, "*... What are Award Minutes* ", page 24, "*..Collect Minutes.....Whenever you buy something we'll reward you with Minutes.....*").

With regards to claims 64-66, and 70, Travis/Jones/Lastminute.com teaches that items can comprise consumer electronic items, gifts, services and appliances (see at least Lastminute.com, page 2 which shows the products and services Lastminute.com website offers, and page 30 which displays, "*...Shop by category.....*").

8. Claims 23, 52, and 55-57 are rejected under 35 U.S.C. 103(a) as being obvious over Travis/Jones/Lastminute.com. in view of Official Notice.

With regards to claims 23, 52, 55, and 56 the concepts and benefits of screen scraping- drag and drop process- from HTML web pages, use of EDI interface, e-mail interface, and HTML supplier interface are well known in the field of Internet and e-commerce for acquiring

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data from html web pages, transmitting data between remote computers. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to use the concept and benefits of screen scraping from HTML web pages, use of EDI interface, e-mail interface, and HTML supplier interface in Travis/Jones/Lastminute.com. Doing so would help the consumers and service providers to acquire data from HTML web pages and transmitting data between remote computers.

9. Claims 67-69, and 71 are rejected under 35 U.S.C. 103(a) as being obvious over Travis/Jones/Lastminute.com in view of applicant's own disclosure.

With regards to claims 67-69, and 71, the system and methods as analyzed for traveling packages and its components would also be applicable for other services and products including legal services, real estate brokerage services, and home renovation services as evidenced by applicant's own disclosure (see disclosure, page 6, lines 9-17). Doing so would enable Travis/Jones/Lastminute.com. to view additional services as suggested by Travis/Jones/Lastminute.com (at least see Travis, page 1, paragraph 0011).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

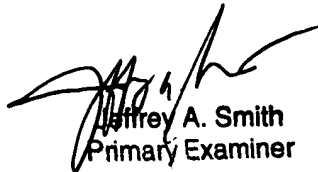
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
October 06, 2003



Jeffrey A. Smith
Primary Examiner